THE HON'BLE MS. JUSTICE G. ROHINI

WRIT PETITION NO.1450 of 2000

Date: 27.4.2007

Between:
Chinna Gangamma Colony Development Committee,
Tirupati,
Regd. Body (Regd. No.136/85 under Societies Registration Act),
Chittoor District.

.....
PETITIONER

AND

The Mandal Revenue Officer,
Tirupathi UrbanMandal, Chittoor District and others.
.. RESPONDENTS

HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No. 1450 of 2000

ORDER:

This writ petition is filed seeking a declaration that the alleged inaction of the respondents 1 to 3 in finalizing the grant of assignment of house site pattas to the members of the petitioner-society in the lands situated in T.S.No.4049, Tirupathi Urban, popularly known as Tataiahgunta area, as arbitrary and illegal.

It is pleaded by the petitioner that the members of the petitioner - society have been in possession and enjoyment of small extents of lands situated T.S. No.4049 for the past many years and some of the similarly situated persons were already granted house site pattas.

While so, the 4th respondent herein who claims that her husband was granted a ryotwari patta for an extent of Ac.2-00 of land situated in Survey No.4049 filed Writ Petition No. 9780 of 1997 in this Court.

The petitioners contended that the claim of the 4th respondent is without any basis and misconceived and therefore the respondents 1 to 3 are not justified in not finalizing the proposal for grant of house site pattas to the petitioner under the guise of the pendency of Writ Petition No.9780 of 1997.

In the counter affidavit filed on behalf of the respondents, the fact that the subject matter of the land involved in this writ petition is part and parcel of the subject matter of the land in Writ Petition No.9780 of 1997 filed by the 4th respondent has not been disputed.

However, when the matter has been taken up for consideration, it is brought to my notice that Writ Petition No.9780 of 1997 filed by the 4th respondent was dismissed by this Court by order dated 13.12.2001

holding that since the matter involved several disputed questions of facts, the same cannot be adjudicated in a writ proceeding.

Since it is clear that the Writ Petition No.9780 of 1997 filed by the 4th respondent has already been dismissed, I deem it appropriate to dispose of this writ petition with a direction to the respondents 1 to 3 to consider the request of the members of the petitioner-society for grant of assignment of house site pattas and to pass appropriate orders in accordance with law, if not already passed.

The writ petition is accordingly disposed of. No costs.

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G. ROHINI,J

Date: 27th April, 2007

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